

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

AARON SCOTT,

Petitioner, : Case No. 3:12-cv-146

- vs -

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

TERRY TIBBELS, WARDEN,
Mansfield Correctional Institution,

:

Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATIONS ON
MOTION FOR RELIEF FROM JUDGMENT**

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 36), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on January 9, hereby ADOPTS said Report and Recommendations.

As recommended by the Magistrate Judge, the Court FINDS, pursuant to Fed. R. App. P. 4(a)(6), that Scott did not receive notice under Fed. R. Civ. P. 77(d) of the entry of judgment in this case. The Court adopts the Magistrate Judge's conclusion that Scott's Motion for Relief from Judgment was timely filed and that no party will be prejudiced by reopening the time for appeal.

It is therefore ORDERED that the time for appeal herein be reopened pursuant to Fed. R. App. P. 4(a)(6). Scott's Notice of Appeal, filed January 6, 2015, is therefore timely.

January 28, 2015.



Walter Herbert Rice
United States District Judge